IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NICOLA DEIULIIS, a minor, by his guardian, ANNETTE DEIULIIS, and ANNETTE DEIULIIS in her own right,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 05-01077
BOY SCOUTS OF AMERICA NATIONAL COUNCIL,	)	Chief Judge Ambrose
Defendant.	)	

MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant, Boy Scouts of America National Council ("BSA") respectfully submits this Motion for Summary Judgment.

As set forth in the accompanying Concise Statement of Material Facts and Memorandum in Support, judgment should be entered as a matter of law in favor of BSA due to the lack of any evidence of an employer/employee or principal/agent relationship between BSA and the driver of the vehicle in which Plaintiff Nicola Deiuliis was allegedly injured.

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WHEREFORE, for the foregoing reasons, Defendant, Boy Scouts of America National Council, respectfully requests that the Court grant its motion for summary judgment.

A proposed order is attached.

Respectfully submitted,

BURNS, WHITE & HICKTON

BY: ______________________________

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Boy Scouts of America National Council

Dated: March 9, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Summary Judgment, has been served upon all counsel of record by United States First Class Mail, postage prepaid, this 9th day of March, 2006, addressed as follows:

Victor H. Pribanic, Esquire
1735 Lincoln Way
White Oak, PA 15131

BURNS, WHITE & HICKTON

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